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8
9 **BEFORE THE**
BOARD OF REGISTERED NURSING
10 **DEPARTMENT OF CONSUMER AFFAIRS**
STATE OF CALIFORNIA

11 In the Matter of the Accusation Against:

12 TINA VERONICA JONES
7503 Alta Peak Court
13 Bakersfield, CA 93313

14 Registered Nurse License No. 525599

15 Respondent.

Case No. 2007-94

OAH No. 2007030642

**DEFAULT DECISION
AND ORDER**

[Gov. Code, §11520]

16
17 FINDINGS OF FACT

18 1. On or about October 10, 2006, Complainant Ruth Ann Terry, M.P.H, R.N,
19 in her official capacity as the Executive Officer of the Board of Registered Nursing, Department
20 of Consumer Affairs, filed Accusation No. 2007-94 against Tina Veronica Jones (Respondent)
21 before the Board of Registered Nursing.

22 2. On or about August 21, 1996, the Board of Registered Nursing (Board)
23 issued Registered Nurse License No. 525599 to Respondent. The Registered Nurse License was
24 in full force and effect at all times relevant to the charges brought herein and will expire on
25 October 31, 2007, unless renewed.

26 3. On or about October 16, 2006, Teresa Sutton, an employee of the
27 Department of Justice, served by Certified and First Class Mail a copy of the Accusation
28 No.2007-94, Statement to Respondent, Notice of Defense, Request for Discovery, and

1 Government Code sections 11507.5, 11507.6, and 11507.7 to Respondent's address of record
2 with the Board, which was and is 7503 Alta Peak Court, Bakersfield, CA 93313. A copy of the
3 Accusation, the related documents, and Declaration of Service are attached as exhibit A, and are
4 incorporated herein by reference.

5 4. Service of the Accusation was effective as a matter of law under the
6 provisions of Government Code section 11505, subdivision (c).

7 5. On or about December 11, 2006, Respondent signed and returned a Notice
8 of Defense, requesting a hearing in this matter. A Notice of Hearing was served by mail at
9 Respondent's address of record and it informed her that an administrative hearing in this matter
10 was scheduled for July 18, 2007. Respondent failed to appear at that hearing. A copy of
11 Respondent's Notice of Defense, the Notice of Hearing, and Declaration of Service are attached
12 hereto as exhibit B, and are incorporated herein by reference.

13 6. Government Code section 11506 states, in pertinent part:

14 "(c) The respondent shall be entitled to a hearing on the merits if the respondent
15 files a notice of defense, and the notice shall be deemed a specific denial of all parts of the
16 accusation not expressly admitted. Failure to file a notice of defense shall constitute a waiver of
17 respondent's right to a hearing, but the agency in its discretion may nevertheless grant a hearing."

18 7. California Government Code section 11520 states, in pertinent part:

19 "(a) If the respondent either fails to file a notice of defense or to appear at the
20 hearing, the agency may take action based upon the respondent's express admissions or
21 upon other evidence and affidavits may be used as evidence without any notice to
22 respondent."

23 8. Pursuant to its authority under Government Code section 11520, the Board
24 finds Respondent is in default. The Board will take action without further hearing and, based on
25 Respondent's express admissions by way of default and the evidence before it, contained in
26 exhibits A, B and C, finds that the allegations in Accusation No. 2007-94 are true.

27 9. The total costs for investigation and enforcement are \$3894.00 as of July
28 18, 2007.

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may vacate the Decision and grant a hearing on a showing of good cause, as defined in the statute.

This Decision shall become effective on November 1, 2007.

It is so ORDERED October 1, 2007

LaTranene W Tate

FOR THE BOARD OF REGISTERED NURSING
DEPARTMENT OF CONSUMER AFFAIRS

60232598.wpd

DOJ docket number: LA2006600765

Attachments:

Exhibit A: Accusation No.2007-94, Related Documents, and Declaration of Service
Exhibit B: Notice of Defense, Notice of Hearing, and Declaration of Service

Exhibit A

Accusation No. 2007-94,
Related Documents and Declaration of Service

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of the State of California
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8 **BEFORE THE**
BOARD OF REGISTERED NURSING
9 **DEPARTMENT OF CONSUMER AFFAIRS**
10 **STATE OF CALIFORNIA**

11 In the Matter of the Accusation Against:

Case No. 2007-94

12 TINA VERONICA JONES
7503 Alta Peak Court
13 Bakersfield, CA 93313

A C C U S A T I O N

14 Registered Nurse License No. 525599

15 Respondent.

16
17 Complainant alleges:

18 PARTIES

19 1. Ruth Ann Terry, M.P.H., R.N. (Complainant) brings this Accusation
20 solely in her official capacity as the Executive Officer of the Board of Registered Nursing,
21 Department of Consumer Affairs (Board).

22 2. On or about August 21, 1996, the Board issued Registered Nurse License
23 No. 525599 to Tina Veronica Jones (Respondent). The Registered Nurse License was in full
24 force and effect at all times relevant to the charges brought herein and will expire on October 31,
25 2007, unless renewed.

26 JURISDICTION

27 3. This Accusation is brought before the Board, under the authority of the
28 following laws. All Section references are to the Business and Professions Code unless

1 otherwise indicated.

2 4. Section 2750 provides, in pertinent part, that the Board may discipline any
3 licensee, including a licensee holding a temporary or an inactive license, for any reason provided
4 in Article 3 (commencing with section 2750) of the Nursing Practice Act.

5 5. Section 2764 provides, in pertinent part, that the expiration of a license
6 shall not deprive the Board of jurisdiction to proceed with a disciplinary proceeding against the
7 licensee or to render a decision imposing discipline on the license. Under section 2811(b) of the
8 Code, the Board may renew an expired license at any time within eight years after the expiration.

9 6. Section 2761 states, in pertinent part:

10 "The board may take disciplinary action against a certified or licensed nurse or
11 deny an application for a certificate or license for any of the following:

12 "(a) Unprofessional conduct,. . .

13

14 "(d) Violating or attempting to violate, directly or indirectly, or assisting in or
15 abetting the violating of, or conspiring to violate any provision or term of this chapter [the
16 Nursing Practice Act] or regulations adopted pursuant to it. . . ."

17 7. Section 2762 states, in pertinent part:

18 "In addition to other acts constituting unprofessional conduct within the meaning
19 of this chapter [the Nursing Practice Act], it is unprofessional conduct for a person licensed
20 under this chapter to do any of the following:

21 "(a) Obtain or possess in violation of law, or prescribe, or except as directed by a
22 licensed physician and surgeon, dentist, or podiatrist administer to himself or herself, or furnish
23 or administer to another, any controlled substance as defined in Division 10 (commencing with
24 Section 11000) of the Health and Safety Code or any dangerous drug or dangerous device as
25 defined in Section 4022.

26 "(b) Use any controlled substance as defined in Division 10 (commencing with
27 Section 11000) of the Health and Safety Code, or any dangerous drug or dangerous device as
28 defined in Section 4022, or alcoholic beverages, to an extent or in a manner dangerous or

1 injurious to himself or herself, any other person, or the public or to the extent that such use
2 impairs his or her ability to conduct with safety to the public the practice authorized by his or her
3 license. . . ."

4 8. Health and Safety Code section 11153, subdivision (a), states in pertinent
5 part that "[a] prescription for a controlled substance shall only be issued for a legitimate medical
6 purpose by an individual practitioner acting in the usual course of his or her professional
7 practice."

8 9. Health and Safety Code section 11170 states that "[n]o person shall
9 prescribe, administer, or furnish a controlled substance for himself."

10 10. Health and Safety Code section 11171 states that "[n]o person shall
11 prescribe, administer, or furnish a controlled substance except under the conditions and in the
12 manner provided by this division [Division 10, commencing with section 11000 of the Health
13 and Safety Code]."

14 11. Health and Safety Code section 11173, subdivision (a), provides that it is
15 illegal to possess a controlled substance without a valid prescription.

16 12. Health and Safety Code section 11350, subdivision (a), states as follows:

17 "Except as otherwise provided in this division [Division 10, commencing with
18 section 11000 of the Health and Safety Code], every person who possesses (1) any controlled
19 substance specified in subdivision (b) or (c), or paragraph (1) of subdivision (f) of Section 11054,
20 specified in paragraph (14), (15), or (20) of subdivision (d) of Section 11054, or specified in
21 subdivision (b) or (c) of Section 11055, or specified in subdivision (h) of Section 11056, or (2)
22 any controlled substance classified in Schedule III, IV, or V which is a narcotic drug, unless upon
23 the written prescription of a physician, dentist, podiatrist, or veterinarian licensed to practice in
24 this state, shall be punished by imprisonment in the state prison."

25 13. Health and Safety Code section 11550, subdivision (a), states, in pertinent
26 part:

27 "No person shall use, or be under the influence of any controlled substance which
28 is (1) specified in subdivision (b), (c), or (e), or paragraph (1) of subdivision (f) of Section 11054,

1 specified in paragraph (14), (15), (21), (22), or (23) of subdivision (d) of Section 11054,
2 specified in subdivision (b) or (c) of Section 11055, or specified in paragraph (1) or (2) of
3 subdivision (d) or in paragraph (3) of subdivision (e) of Section 11055, or (2) a narcotic drug
4 classified in Schedule III, IV, or V, except when administered by or under the direction of a
5 person licensed by the state to dispense, prescribe, or administer controlled substances. . . ."

6 14. Section 125.3 provides, in pertinent part, that the Board may request the
7 administrative law judge to direct a licensee found to have committed a violation or violations
8 of the licensing act to pay a sum not to exceed the reasonable costs of the investigation and
9 enforcement of the case.

10 CONTROLLED SUBSTANCES / DANGEROUS DRUGS

11 15. Ambien, a generic name for zolpidem tartrate, a nonbarbiturate hypnotic,
12 is a Schedule IV controlled substance as designated by Health and Safety Code section
13 11057(d)(32), and is categorized as a dangerous drug pursuant to Business and Professions Code
14 section 4022.

15 16. Benzodiazepine is a Schedule IV controlled substance as defined in Health
16 and Safety Code section 11057(d) and a dangerous drug according to Business and Professions
17 Code section 4022.

18 17. Carisoprodol is a dangerous drug according to Business and Professions
19 Code section 4022.

20 18. Hydrocodone is a Schedule II controlled narcotic substance pursuant to
21 Health and Safety Code section 11055(b)(J) and a dangerous drug pursuant to Business and
22 Professions Code section 4022.

23 19. Hydromorphone, an opium derivative, is a Schedule II controlled
24 substance as designated by Health and Safety Code section 11055(b)(1)(k) and is categorized as a
25 dangerous drug pursuant to Business and Professions Code section 4022.

26 20. Morphine is a Schedule II controlled substance pursuant to Health and
27 Safety Code section 11055(b)(1)(M) and a dangerous drug pursuant to Business and Professions
28 Code section 4022.

1 21. Oxazepam is a benzodiazepine and a Schedule III controlled substance
2 pursuant to Health and Safety Code section 11056(b)(2) and categorized as a dangerous drug
3 pursuant to Business and Professions Code section 4022.

4 22. Temazepam, in a class of sedative/hypnotics, is a Schedule IV controlled
5 substance pursuant to Health and Safety Code section 11057(d)(29) and a dangerous drug
6 pursuant to Business and Professions Code section 4022.

7 23. Ultram, a brand name for tramadol, an effective pain reliever (analgesic)
8 and is categorized as a dangerous drug pursuant to Business and Professions Code section 4022.

9 24. Vicodin, trade name for a combination drug containing hydrocodone
10 bitartrate (opioid analgesic) and acetaminophen, is a Schedule III controlled substance as defined
11 in Health and Safety Code section 11056(e)(7) and is categorized as a dangerous drug according
12 to Business and Professions Code section 4022.

13 FIRST CAUSE FOR DISCIPLINE

14 (Unprofessional Conduct - Obtain/Possess Controlled Substance - Diversion)

15 25. Respondent is subject to disciplinary action under Section 2761,
16 subdivisions (a) and (d), in conjunction with Section 2762, subdivision (a), in violation of Health
17 and Safety Code sections 11153, subdivision (a), 11170, 11171, 11173, subdivision (a), and
18 11350, subdivision (a), on the grounds of unprofessional conduct, in that during a period of time
19 including 1998, through on or about November 22, 1999, by her own admissions while on duty
20 as a registered nurse at Kern Medical Center, Bakersfield, California (KMC), Respondent
21 obtained and possessed Morphine, a controlled substance and dangerous drug, without a valid
22 prescription, by diverting Morphine from patients' morphine intravenous (IV) lines using a 10cc
23 syringe and needle for self administration. On or about November 22, 1999, Respondent
24 submitted to drug testing. The drug test returned positive for benzodiazepines and morphine,
25 controlled substances and dangerous drugs. Respondent's admissions are as follows:

26 a. On or about June 27, 2005, during a Board investigation and interview,
27 Respondent admitted to diverting morphine for her own use approximately nine (9) times
28 through the use of patient IV morphine lines in the Intensive Care Unit (ICU) at KMC.

1 SECOND CAUSE FOR DISCIPLINE

2 (Unprofessional Conduct - Dangerous Use of Controlled Substance)

3 26. Respondent is subject to disciplinary action under Section 2761,
4 subdivisions (a) and (d), in conjunction with Section 2762, subdivision (b), and violating Health
5 and Safety Code section 11550, subdivision (a), in that during a period of time including 1998,
6 through on or about November 22, 1999, by her own admissions, Respondent used morphine, a
7 controlled substance, to an extent or in a manner dangerous or injurious to herself, other persons,
8 or the public and to an extent such use impaired her ability to conduct registered nursing with
9 safety to the public, as more fully set forth above in paragraph 25.

10 THIRD CAUSE FOR DISCIPLINE

11 (Unprofessional Conduct - Obtain / Possess Controlled Substance)

12 27. Respondent is subject to disciplinary action under Section 2761,
13 subdivisions (a) and (d), in conjunction with Section 2762, subdivision (a), in violation of Health
14 and Safety Code sections 11153, subdivision (a), 11170, 11171, 11173, subdivision (a), and
15 11350, subdivision (a), on the grounds of unprofessional conduct, in that she obtained, possessed
16 administered and/or used controlled substances without valid prescriptions. Respondent
17 submitted to drug testing and the drug tests returned positive for controlled substances and
18 dangerous drugs, as follows:

- 19 a. On or about March 24, 2000, Respondent tested positive for Vicodin.
20 b. On or about August 22, 2000, Respondent tested positive for Ultram
21 (tramadol).
22 c. On or about September 16, 2000, Respondent tested positive for Tramadol,
23 Hydromorphone, Carisoprodil, and Morphine.
24 d. On or about December 7, 2002, Respondent test positive for Ambien.
25 e. On or about December 17, 2004, Respondent tested positive for
26 Benzodiazepines, Oxazepam, and Temazepam.

27 AMMORIO PRAYER
28 DISCIPLINARY BOARD

WHEREFORE, Complainant requests that a hearing be held on the matters herein


1 alleged, and that following the hearing, the Board of Registered Nursing issue a decision:

2 1. Revoking or suspending Registered Nurse License No. 525599, issued to
3 Tina Veronica Jones.

4 2. Ordering Tina Veronica Jones to pay the Board of Registered Nursing the
5 reasonable costs of the investigation and enforcement of this case, pursuant to Business and
6 Professions Code section 125.3;

7 3. Taking such other and further action as deemed necessary and proper.

8
9 DATED: 10/10/06

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11 
12 RUTH ANN TERRY, M.P.H., R.N.
13 Executive Officer
14 Board of Registered Nursing
15 Department of Consumer Affairs
16 State of California

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22 Complainant

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Jones Revised Accusation.wpd

APPROVED
DATE: 10/10/06

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